IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 24015 of 2007(H)

PETITIONER:

VIGIMOLE K.M., VETERINARY SURGEON,
VETERINARY DISPENSARY,
MEMURY, KOTTAYAM DIST.

BY ADV. SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE & ANIMAL HUSBANDRY,
TRIVANDRUM.

2. THE DIRECTOR,
ANIMAL HUSBANDRY DEPARTMENT,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

3. DR.LINCY CHANDRAN, VETERINARY SURGEON,
VETERINARY DISPENSARY, CHAMPAKARA,
KOTTAYAM DIST.

BY GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 24015 of 2007

Dated this the 14th day of August, 2007

J U D G M E N T

The petitioner is a Veterinary Surgeon in the Department of Animal Husbandry. From 16.6.2005 to 19.2.2007 she was working in the Calf Feed Subsidy Scheme office at Thalayolaparambu in Kottayam District. According to her, On account of illness she could not undertake long distance travel and on that basis representations were made seeking convenient posting in a Dispensary. This was considered and by Exhibit-P1 order of the 2nd respondent, petitioner was posted at the Veterinary Dispensary, Memmury in Kottayam District. In her place, the 3rd respondent who was then working at Champakkara at Kottayam was transferred and posted. By Exhibit-P2 order on 1.8.2007, she has been transferred out from the Veterinary Dispensary, Memmury and posted in the Calf Feed Subsidy Scheme Office at Thalayolaparambu in Kottayam District and the 3rd respondent is posted at Memmury. Alleging that it is only to accommodate the 3rd respondent in her own old chosen

place that this writ petition has been filed. Thereafter, she made Exhibit -P3 representation before the 2nd respondent seeking review of the order of transfer. The petitioner has placed reliance on Exhibits P4 and P5, Exhibit-P4 is the Caste Certificate certifying that she belongs to Scheduled Caste community. Exhibit-P5 is the guidelines issued by the Government, wherein, certain reservations are provided for in favour of candidates belonging to SC/ST category, the benefit of which is claimed by her.

2. It is settled law that this court can interfere with an order of transfer, if there is a positive finding of malafides or on grounds of illegalities. This case, at best is one of violation of guidelines which does not confer any right enforceable under Article 226 of the Constitution of India. Hence I do not find any ground to interfere with the order of transfer.

3. The petitioner has highlighted her grievances in Ext-P3 representation before the 2nd respondent which is pending. In the circumstances, it is ordered that the 2nd respondent shall take up and consider Ext.P3 representation filed by the petitioner as expeditiously as possible, at any rate within four

weeks from the date of receipt of a copy of this judgment.

The petitioner is directed to produce a copy of this judgment before the 2nd respondent, for compliance.

The writ petition is disposed of as above.

(ANTONY DOMINIC,JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007